

HBSJSAIA

Arraignment

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

17 Cr. 722 VSB

5 SAYFULLO HABIBULLAEVIC SAIPOV,

6 Defendant.

7 -----x

8
9 November 28, 2017
2:40 p.m.

10 Before:

11 HON. VERNON S. BRODERICK,

12 District Judge
13

14
15 APPEARANCES

16 JOON H. KIM,
United States Attorney for the
17 Southern District of New York
ANDREW DOUGLAS BEATY,
18 AMANDA LEIGH HOULE,
MATTHEW JOSEPH LAROCHE,
19 Assistant United States Attorneys

20 FEDERAL DEFENDERS SERVICES UNIT
Attorneys for defendant Saipov
21 BY: DAVID E. PATTON,
JENNIFER L. BROWN,
22 Assistant Federal Defenders

23 Also Present:
YANA AGOUREEV, Russian Interpreter
24 SANJAR BABADJANOV, Uzbek Interpreter
MICHAEL DeLUCA, Paralegal Specialist USAO
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HBSJSAIA

Arraignment

1 (In open court)

2 (Case called)

3 MR. PATTON: Your Honor, Mr. Saipov is present and
4 following the proceedings with use of an Uzbek interpreter.

5 THE COURT: Good afternoon. You may be seated.

6 Let me just confirm that Mr. Saipov, you can hear and
7 understand the interpreter?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. So we're here for the purposes
10 of an arraignment. So if at any point in time, Mr. Saipov, you
11 cannot hear the interpreter or you don't understand something,
12 just raise your hand and we'll try to fix the equipment.

13 All right. So I am going to direct my questions to
14 Mr. Patton, I understand, to you concerning the arraignment.
15 Has your client received a copy of the indictment?

16 MR. PATTON: Yes, your Honor.

17 THE COURT: Has he discussed it with you and with Ms.
18 Brown?

19 MR. PATTON: Yes, your Honor. I have reviewed the
20 indictment with him with an Uzbek interpreter. He hasn't yet
21 received a full, complete written Uzbek interpretation, but we
22 are working on that, but we have read through it together with
23 an Uzbek interpreter.

24 THE COURT: You have been able to read through it with
25 him with the assistance of an interpreter?

HBSJSAIA

Arraignment

1 MR. PATTON: Yes, your Honor, and he understands the
2 charges.

3 THE COURT: Have you had sufficient amount of time to
4 do that?

5 MR. PATTON: I have, your Honor.

6 THE COURT: How does your client plead?

7 MR. PATTON: Not guilty.

8 THE COURT: Thank you.

9 Let me ask the government where things stand in terms
10 of, by my calculation, seven days may have run on the speedy
11 trial clock.

12 MR. BEATY: That's correct. The grand jury returned
13 the indictment last Tuesday, November 21st, so seven days have
14 run.

15 THE COURT: What is the status of discovery?

16 MR. BEATY: Yes, your Honor. We have produced the
17 first batch of discovery this afternoon which consists of the
18 indictment as well as the defendant's post-arrest statements.

19 We intend to produce the rest of discovery
20 expeditiously as soon as we finalize the protective order with
21 the defense. We don't expect that should take any more than 30
22 days, and we'll begin doing so as soon as we finalize that
23 protective order on a rolling basis.

24 THE COURT: With regard to the statement, was that
25 something that was in writing or videotaped or something?

HBSJSAIA

Arraignment

1 MR. BEATY: It was an FBI report of the defendant's
2 post-arrest statements.

3 THE COURT: All right. So you said approximately 30
4 days. Are you aware of any materials that are covered by CEPA,
5 by any chance?

6 MR. BEATY: At this time, your Honor, we don't
7 anticipate there will be any classified discovery in this case.

8 THE COURT: All right. I understand we have discussed
9 the next time we would come back, and that will be January
10 23rd, at 12:00. Is that correct?

11 MR. PATTON: That's correct, your Honor.

12 THE COURT: Let me ask Mr. Patton, with regard to
13 this, will you be submitting a recommendation to me with regard
14 to learned counsel?

15 MR. PATTON: I will, your Honor.

16 THE COURT: How long do you think that will take?

17 MR. PATTON: I expect to provide the court with
18 something within the week.

19 THE COURT: All right. That is fine.

20 Obviously, I will rereview that and make a
21 determination as quickly as I can.

22 Have there been discussions concerning timing and the
23 like with the government concerning submissions and also in
24 connection with whatever materials you're going to be
25 gathering, and I recognize this is very early in the case, but

HBSJSAIA

Arraignment

1 do you intend to try to get materials from your client's home
2 country?

3 MR. PATTON: As far as the scheduling goes, we have
4 had initial discussions. I think the reason we asked for the
5 January 23rd date was so that over the next couple of weeks as
6 we're provided with discovery, we can engage in discussions
7 about scheduling with a little bit more knowledge, and there
8 will obviously be aspects of scheduling that are specific to
9 the capital charges which will involve scheduling presentations
10 with the government.

11 So we're hoping to use the next 45 days to hopefully
12 provide the court with some better guidance as to how much time
13 we are going to need.

14 THE COURT: That is fine. I think what I would like
15 to get, if possible, in approximately a week before the
16 conference -- when is that that, Ms. Williams, a week before
17 the 23rd?

18 THE CLERK: January 16th.

19 THE COURT: If I could get a joint status letter
20 concerning issues related to -- and again, obviously, I don't
21 need to know the substance, but it is really with regard to
22 scheduling and timing, with regard to the death penalty and
23 also with regard to Mr. Patton, hopefully, to the extent you've
24 had time to review the discovery, with regard to motions, and
25 if you do believe there are going to be motions, if you could

HBSJSAIA

Arraignment

1 talk to the government about the timing of the briefing of that
2 and then we can finalize that when we have the conference on
3 the 23rd.

4 MR. PATTON: We'll do that.

5 THE COURT: Is there anything else?

6 I am going to exclude the time between now and January
7 23rd from the time within which the defendant would need to
8 stand trial. I find that the exclusion outweighs the interests
9 of the public and of the defendant in a speedy trial.

10 Are there any other things we need to deal with today?

11 MR. PATTON: Not from the defense.

12 MR. BEATY: Not from the government.

13 THE COURT: Thank you very much for coming in. I will
14 see everybody on the 23rd. We'll stand adjourned.

15 (Court adjourned)

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